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Attorneys for Plaintiff
DANIEL BREEDING

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DANIEL BREEDING,

Plaintiff,

vs.

WALMART INC.; and Does 1 through
50, inclusive,

Defendants.

Case No. 1:23-cv-00300-KJM-KJN

**PLAINTIFF'S NOTICE OF MOTION
AND MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT TO ADD
DEFENDANT**

**[Filed concurrently with Memorandum of
Points and Authorities and Declaration of S.
Sean Shahabi]**

Hearing

Date: December 8, 2023

Time: 10:00 a.m.

Location: Courtroom 3

Action Filed: January 25, 2023

Removal Filed: February 28, 2023

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on December 8, 2023, at 10:00 a.m., or as soon thereafter as this matter may be heard in Courtroom 3 of the United States District Court, Eastern District of California, located at 501 I Street, Suite 4-200, Sacramento, California 95814, Plaintiff Daniel Breeding (“Plaintiff”) respectfully will and hereby does moves the Court for an Order granting Plaintiff leave to file a First Amended Complaint to add a named defendant – Walmart Associates, Inc. – to this action. This motion is brought pursuant to Rule 15 of the Federal Rules of Civil Procure and Local Rule 230.

Counsel for Plaintiff has met and conferred with counsel for Defendant Walmart Inc. (“Defendant”), on the subject matter of the Motion and sought Defendant’s stipulation to the addition of Walmart Associates, Inc., to this matter. (*See* Declaration of S. Sean Shahabi (“Shahabi Decl.”), ¶ 3, filed concurrently herewith.) Ultimately, counsel for Defendant stated that while it will not oppose any action to amend the complaint to add Walmart Associates, Inc., it would not stipulate to its addition. (*Id.*; *see* Exhibit B, thereto.).

Regarding settlement, the parties have agreed to schedule a mediation; however, as of the submission of this Motion, a mediator and a date have not been agreed to as of yet. (*Id.*, ¶ 4.)

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1 The Motion is based on this Notice of Motion and Motion, the Memorandum of
2 Points and Authorities and the Declaration of S. Sean Shahabi filed concurrently herewith,
3 the Court's file in this matter, and such further evidence and argument as may be heard at
4 the time of the hearing.

5
6 Dated: October 4, 2023

Respectfully submitted,

JAURIGUE LAW GROUP

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9 By: Sean Shahabi

10 Michael J. Jaurigue, Esq.
11 S. Sean Shahabi, Esq.
12 Attorneys for PLAINTIFF
13 DANIEL BREEDING
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PROOF OF SERVICE

I am employed in the County of Los Angeles; I am over the age of eighteen years and am not a party to the within action; and my business address is 300 West Glenoaks Boulevard, Suite 300, Glendale, California 91202.

On October 4, 2023, I served the following document:

PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT TO ADD DEFENDANT

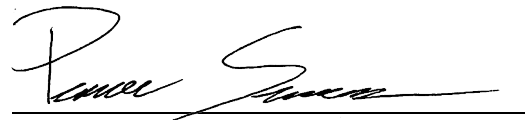
on the interested parties in this action as follows

James Taylor Conley
Haidy M. Rivera
OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.
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*Attorneys/E-Service Recipients
for Defendants Walmart Inc.*

☒ **(BY ELECTRONIC MAIL):** I caused to be served by electronic transmission (e-mail) to the parties and/or their attorney(s) of record stated above. The document(s) was/were transmitted by electronic transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. Executed on October 4, 2023, at Glendale, California.



Parker Swanson